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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,201	03/12/2004	Jeoung-Mo Koo	8021-205 (SS-17942-US)	7424
22150	7590	04/19/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			DIAZ, JOSE R	
			ART UNIT	PAPER NUMBER
			2815	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,201

Applicant(s)

JEOUNG-MO KOO

Examiner

José R. Díaz

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 16 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/5/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I in the reply filed on January 23, 2006 is acknowledged. The traversal is on the ground that the addition of claims 14 and 15 of Species II cannot be deemed to result in an unreasonable amount of species presented in a patent application. This is not found persuasive because claims 14 and 15 are directed to an independent invention that requires an unduly extensive and burdensome search. Thus, the requirement is still deemed proper and is therefore made FINAL.
2. This application contains claims 14-15 drawn to an invention nonelected with traverse in Paper No. January 23, 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-7, 9-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutter et al. (US Pat. No. 5,576,233).

Regarding claim 1, Hutter et al. teaches a one-time programmable memory device, comprising:

an isolation layer (35) for defining an active area of a substrate (5) [see figs. 1 and 2g];

an oxide layer (38) formed on the active area [see fig. 2g];

a floating gate (19 or POLY-1) formed over the active area and the isolation layer (35) [see fig. 2g, specifically the cross section taken along the 2-2 line];

an inter-gate dielectric layer (50, 52) formed on the floating gate [see fig. 2g]; and

a control gate (25 or POLY-2) formed on the inter-gate dielectric layer [see fig. 2g], wherein a first portion of the floating gate (consider the portion of POLY-1 provided over gate dielectric 38 as shown in figures 1 and 2g, specifically the cross section taken along the 2-2 line) formed over the active area is narrower than a second portion of the floating gate formed over the isolation layer (consider the portion of POLY-1 provided over isolation structure 35 as shown in figures 1 and 2g, specifically the cross section taken along the 2-2 line), and wherein the control gate (POLY-2) is formed over the second portion of the floating gate (POLY-1) and not over the first portion of the floating gate [see fig. 2g, specifically the cross section taken along the 2-2 line].

Regarding claims 2 and 10, Hutter et al. teaches a source region and a drain region (21, 27) formed in the active area at least one of under or adjacent both sides of the floating gate (POLY-1) [see fig. 2g, specifically the cross section taken along the 1-1 line].

Regarding claims 4-5, Hutter et al. teaches that the control gate (POLY-2) extends onto the isolation layer (35) to surround a sidewall of the second portion of the floating gate (POLY-1) [see fig. 2g, specifically the cross section taken along the 2-2 line].

Regarding claim 6, Hutter et al. teaches that the inter-gate dielectric layer includes a silicon nitride layer (52) [see col. 7, line 1].

Regarding claim 7, Hutter et al. teaches that the inter-gate dielectric layer includes a composites layer having a silicon oxide layer (50) and silicon nitride layer (52) [see col. 7, line 2].

Regarding claim 9, Hutter et al. teaches an integrated circuit, comprising:

a memory device [consider the device taken along the 2-2 line in figure 2g] including an isolation layer (35) for defining an active area of a substrate, a tunnel oxide layer (38) formed on the active area, a floating gate (POLY-1) formed over the active area and the isolation layer (35), an inter-gate dielectric layer (50,52) formed on the floating gate, and a control gate (POLY-2) formed on the inter-gate dielectric layer [consider the device taken along the 2-2 line in figure 2g];

a first transistor [consider the NMOS transistor 15] including a first gate (POLY-1), a first gate oxide layer (38) interposed between the first gate and the substrate, and a first source region and a first drain region (21, 27) formed in the active area at least one of under or adjacent both sides of the first gate [see fig. 2g, specifically the cross section taken along the 1-1 line]; and

a second transistor [consider the diode 11] including a second gate [POLY-1], a second gate oxide layer (14) interposed between the second gate and the substrate, and a second source region and a second drain region formed in the active area at least one of under or adjacent both sides of the second gate (consider the doped regions 13 which are formed during the implantation of source/drain regions 21, 27) [see fig. 2g, specifically the cross section taken along the 1-1 line and col. 5, lines 38-41], wherein a first portion of the floating gate (consider the portion of POLY-1 provided over gate dielectric 38 as shown in figures 1 and 2g, specifically the cross section taken along the 2-2 line) formed over the active area is narrower than a second portion of the floating gate formed over the isolation layer (consider the portion of POLY-1 provided over isolation structure 35 as shown in figures 1 and 2g, specifically the cross section taken along the 2-2 line), and wherein the control gate (POLY-2) is formed over the second portion of the floating gate (POLY-1) and not over the first portion of the floating gate [see fig. 2g, specifically the cross section taken along the 2-2 line].

Regarding claim 11, Hutter et al. teaches that the second gate oxide layer (14) is thinner than the first gate oxide layer (38) [see fig. 1, cross sections taken along lines 1-1 and 33-3].

Regarding claim 16, Hutter et al. teaches an integrated circuit, comprising:

a plurality of isolation layers (35) for defining a first area [see fig. 2g, cross section taken along line 2-2], a second area [see fig. 2g, cross section taken along line 1-1], and a third area [see fig. 2g, cross section taken along line 3-3] in a substrate (5);

a memory device [see cross section taken along line 2-2 in fig. 2g] including a floating gate (POLY-1) formed over the first area and at least one isolation layer (35) of the plurality of isolation layers, an inter-gate dielectric layer (50, 52) formed on the floating gate and including a composite layer having a silicon oxide layer (50) and a silicon nitride layer (52) [see col. 7, line 2], and a control gate (POLY-2) formed on the inter-gate dielectric layer [see cross section taken along line 2-2 in fig. 2g];

a first transistor [see NMOS transistor 15 taken along line 1-1 in fig. 2g] including a first gate (POLY-1) formed of the same material as the control gate (POLY-2), wherein the first gate (POLY-1) is formed in the second area of the substrate on a first gate oxide layer (consider layer 38 in fig. 2g, taken along line 1-1) having a thickness equal to a thickness of a tunnel oxide layer (consider layer 38 in fig. 2g, taken along line 1-1) formed on the substrate (5), and a first source region and a first drain region (21, 27) formed in the second area at least one of under or adjacent both sides of the first gate [see cross section taken along line 1-1 in fig. 2g]; and

a second transistor (see diode 11 taken along line 3-3) including a second gate (POLY-1) formed of the same material as the control gate (POLY-2), wherein the second gate (POLY-1) is formed in the third area of the substrate on a second gate oxide layer (14) thinner than the first gate oxide layer (38) [see fig. 2a, taken along lines 1-1 and 3-3], and a second source region and a second drain region (13) formed in the third area at least one of under or adjacent both sides of the second gate [please note that regions 13 are formed by the same ion implantation used to formed source/drain regions 21, 27. See col. 5, lines 38-41], wherein a first portion of the floating gate

(consider the portion of POLY-1 provided over gate dielectric 38 as shown in figures 1 and 2g, specifically the cross section taken along the 2-2 line) formed over the active area is narrower than a second portion of the floating gate formed over the isolation layer (consider the portion of POLY-1 provided over isolation structure 35 as shown in figures 1 and 2g, specifically the cross section taken along the 2-2 line), and wherein the control gate (POLY-2) is formed over the second portion of the floating gate (POLY-1) and not over the first portion of the floating gate [see fig. 2g, specifically the cross section taken along the 2-2 line].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hutter et al. (US Pat. No. 5,576,233) in view of Bhattacharya et al. (US Pat. No. 6,339,000 B1).

Regarding claim 8, Hutter et al. fails to teach a three-layer inter-gate dielectric structure consisting of oxide, nitride and oxide. However, Bhattacharya et al. teaches that it is well known in the art to use a three-layer inter-gate dielectric structure consisting of oxide, nitride and oxide [col. 2, lines 14-20].

Hutter et al. and Bhattacharya et al. are analogous art because they are from the same field of endeavor as applicant's invention. At the time of the invention it would

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have been obvious to a person of ordinary skill in the art to include a three-layer inter-gate dielectric structure consisting of oxide, nitride and oxide. The motivation for doing so, as is taught by Bhattacharya et al., is to enhance the charge retention capability of the floating gate (col. 2, lines 11-20). Therefore, it would have been obvious to combine Bhattacharya et al. with Hutter et al. to obtain the invention of claim 8.

Allowable Subject Matter

7. Claim 24 is allowed.

8. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach, disclose, or suggest, either alone or in combination, a integrated circuit comprising a second gate oxide layer which is thinner than a tunnel oxide layer, and a first gate oxide layer which is thicker than the tunnel oxide layer and the second gate oxide layer as instantly claimed, and in combination with the additional limitations.

Response to Arguments

10. Applicant's arguments with respect to claims 1-2, 4-11, 16 and 24 have been considered but are moot in view of the new grounds of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Diorio et al. (US Pat. No. 5,898,613) teaches a Floating gate (16) and a control gate formed only over the isolation structure [see fig. 6B].

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence


Any inquiry concerning this communication or earlier communications from the examiner should be directed to José R. Díaz whose telephone number is (571) 272-1727. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

José R. Díaz
Examiner
Art Unit 2815

A handwritten signature in black ink, consisting of a vertical line with a horizontal crossbar and a small loop at the bottom.

KENNETH PARKER
SUPERVISORY PATENT EXAMINER